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[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 531

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 531. Federal Bureau of Investigation

-STATUTE-

The Federal Bureau of Investigation is in the Department of Justice.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 616.)

-MISC1-

HISTORICAL AND REVISION NOTES

The section is supplied for convenience and clarification. The Bureau of Investigation in the Department of Justice, the earliest predecessor agency of the Federal Bureau of Investigation, was created administratively in 1908. It appears that funds used for the Bureau of Investigation were first obtained through the Department of Justice Appropriation Act of May 22, 1908, ch. 186, Sec. 1 (par. beginning "From the appropriations for the prosecution of crimes"), 35 Stat. 236, although that statutory provision makes no express mention of the Bureau or of the investigative function.

Section 3 of Executive Order No. 6166 of June 10, 1933,

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Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 532

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 532. Director of the Federal Bureau of Investigation

-STATUTE-

The Attorney General may appoint a Director of the Federal Bureau of Investigation. The Director of the Federal Bureau of Investigation is the head of the Federal Bureau of Investigation.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 616.)

-MISC1-

HISTORICAL AND REVISION NOTES

The section is supplied for convenience and clarification and is based on section 3 of Executive Order No. 6166 of June 10, 1933, which provided for the transfer of the functions of the Bureau of Investigation together with the investigative functions of the Bureau of Prohibition to a "Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation". The Division of Investigation was first designated as the "Federal Bureau of Investigation" by the Act of Mar. 22, 1935, ch. 39, title II, 49 Stat. 77, and has been so designated in

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 533

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 533. Investigative and other officials; appointment

-STATUTE-

The Attorney General may appoint officials -

(1) to detect and prosecute crimes against the United States;

(2) to assist in the protection of the person of the President;

and (!1)

(3) to assist in the protection of the person of the Attorney
General.(!2)

(4) to conduct such other investigations regarding official
matters under the control of the Department of Justice and the
Department of State as may be directed by the Attorney General.

This section does not limit the authority of departments and
agencies to investigate crimes against the United States when
investigative jurisdiction has been assigned by law to such
departments and agencies.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 616;
amended Pub. L. 107-273, div. A, title II, Sec. 204(e), Nov. 2,

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t26t28+2951+1++%28...> 6/17/2011

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 534

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 534. Acquisition, preservation, and exchange of identification
records and information; appointment of officials

-STATUTE-

(a) The Attorney General shall -

(1) acquire, collect, classify, and preserve identification,
criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information
which would assist in the identification of any deceased
individual who has not been identified after the discovery of
such deceased individual;

(3) acquire, collect, classify, and preserve any information
which would assist in the location of any missing person
(including an unemancipated person as defined by the laws of the
place of residence of such person) and provide confirmation as to
any entry for such a person to the parent, legal guardian, or
next of kin of that person (and the Attorney General may acquire,
collect, classify, and preserve such information from such
parent, guardian, or next of kin); and

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) Indian Law Enforcement Agencies. - The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.

(e) For purposes of this section, the term "other institutions" includes -

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases

consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal and State criminal justice agencies authorized to enter information into criminal information databases may include -

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection -

(A) the term "national crime information databases" means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term "protection order" includes -

(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 616; amended Pub. L. 97-292, Secs. 2, 3(a), Oct. 12, 1982, 96 Stat. 1259; Pub. L. 100-690, title VII, Sec. 7333, Nov. 18, 1988, 102 Stat. 4469; Pub. L. 103-322, title IV, Sec. 40601(a), Sept. 13, 1994, 108 Stat. 1950; Pub. L. 107-273, div. A, title II, Sec. 204(c), div. B, title IV, Sec. 4003(b)(4), div. C, title I, Sec. 11004, Nov. 2, 2002, 116 Stat. 1776, 1811, 1816; Pub. L. 109-162, title I, Sec. 118, title IX, Sec. 905(a), Jan. 5, 2006, 119 Stat. 2989, 3079; Pub. L. 109-248, title I, Sec. 153(i), July 27, 2006, 120 Stat. 611.)

-MISC1-

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 300 (as applicable to acquisition etc. of identification	Aug. 31, 1964, Pub. L. 88-527, Sec. 201 (1st 105 words of 1st par. under "Federal Bureau of Investigation", as applicable to acquisition etc. of

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 535

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 535. Investigation of crimes involving Government officers and
employees; limitations

-STATUTE-

(a) The Attorney General and the Federal Bureau of Investigation
may investigate any violation of Federal criminal law involving
Government officers and employees -

(1) notwithstanding any other provision of law; and

(2) without limiting the authority to investigate any matter
which is conferred on them or on a department or agency of the
Government.

(b) Any information, allegation, matter, or complaint witnessed,
discovered, or received in a department or agency of the executive
branch of the Government relating to violations of Federal criminal
law involving Government officers and employees shall be
expeditiously reported to the Attorney General by the head of the
department or agency, or the witness, discoverer, or recipient, as
appropriate, unless -

(1) the responsibility to perform an investigation with respect

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thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

(c) This section does not limit -

(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

(2) the primary authority of the Postmaster General to investigate postal offenses.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 616; amended Pub. L. 107-273, div. A, title II, Sec. 206, Nov. 2, 2002, 116 Stat. 1779.)

-MISC1-

HISTORICAL AND REVISION NOTES

Derivation

U.S. Code

Revised Statutes and
Statutes at Large

5 U.S.C. 311a.

Aug. 31, 1954, ch. 1143, Sec. 1,
68 Stat. 998.

The section is reorganized for clarity and continuity.

In subsection (a), the word "may" is substituted for "shall have authority". The word "is" is substituted for "may have been or may hereafter be".

In subsection (c), the words "This section does not limit" are



Go to 1st query term(s)

-CITE-

28 USC Sec. 536

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART II - DEPARTMENT OF JUSTICE
CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 536. Positions in excepted service

-STATUTE-

All positions in the Federal Bureau of Investigation are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 617.)

-MISC1-

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large

	5 U.S.C. 300d.	Aug. 31, 1964, Pub. L. 88-527, Sec. 201 (2nd par. under "Federal Bureau of Investigation"), 78 Stat. 718.
	5 U.S.C. 341c	July 28, 1950, ch. 503, Sec. 5

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 537

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART II - DEPARTMENT OF JUSTICE
CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 537. Expenses of unforeseen emergencies of a confidential
character

-STATUTE-

Appropriations for the Federal Bureau of Investigation are
available for expenses of unforeseen emergencies of a confidential
character, when so specified in the appropriation concerned, to be
spent under the direction of the Attorney General. The Attorney
General shall certify the amount spent that he considers advisable
not to specify, and his certification is a sufficient voucher for
the amount therein expressed to have been spent.

-SOURCE-

(Added Pub. L. 89-554, Sec. 4(c), Sept. 6, 1966, 80 Stat. 617.)

-MISC1-

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 538

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART II - DEPARTMENT OF JUSTICE
CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 538. Investigation of aircraft piracy and related violations

-STATUTE-

The Federal Bureau of Investigation shall investigate any
violation of section 46314 or chapter 465 of title 49.

-SOURCE-

(Added Pub. L. 103-272, Sec. 4(e)(1), July 5, 1994, 108 Stat.
1361.)



[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)

Office of the Law Revision Counsel, U.S. House of Representatives

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 539

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 539. Counterintelligence official reception and representation
expenses

-STATUTE-

The Director of the Federal Bureau of Investigation may use funds
available to the Federal Bureau of Investigation for
counterintelligence programs to pay the expenses of hosting foreign
officials in the United States under the auspices of the Federal
Bureau of Investigation for consultation on counterintelligence
matters.

-SOURCE-

(Added Pub. L. 99-569, title IV, Sec. 401(a), Oct. 27, 1986, 100
Stat. 3195.)



[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#)
[Currency](#)

Office of the Law Revision Counsel, U.S. House of Representatives

Office of the Law Revision Counsel, U.S. House of Representatives

[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#) [Currency](#)



Go to 1st query term(s)

-CITE-

28 USC Sec. 540

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART II - DEPARTMENT OF JUSTICE

CHAPTER 33 - FEDERAL BUREAU OF INVESTIGATION

-HEAD-

Sec. 540. Investigation of felonious killings of State or local law
enforcement officers

-STATUTE-

The Attorney General and the Federal Bureau of Investigation may investigate felonious killings of officials and employees of a State or political subdivision thereof while engaged in or on account of the performance of official duties relating to the prevention, detection, investigation, or prosecution of an offense against the criminal laws of a State or political subdivision, when such investigation is requested by the head of the agency employing the official or employee killed, and under such guidelines as the Attorney General or his designee may establish.

-SOURCE-

(Added Pub. L. 100-690, title VII, Sec. 7331(a), Nov. 18, 1988, 102
Stat. 4468.)



[Home](#) [Search](#) [USCprelim](#) [Download](#) [Classification](#) [Codification](#) [Popular Names](#) [Table III](#) [Other Tables](#) [About](#) [Currency](#)

Office of the Law Revision Counsel, U.S. House of Representatives

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t26t28+2958+0++%28...> 6/17/2011

§ 540A. Investigation of violent crimes against travelers

[How Current is This?](#)

(a) In General.— At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General and Director of the Federal Bureau of Investigation may assist in the investigation of a felony crime of violence in violation of the law of any State in which the victim appears to have been selected because he or she is a traveler.

(b) Foreign Travelers.— In a case in which the traveler who is a victim of a crime described in subsection (a) is from a foreign nation, the Attorney General and Director of the Federal Bureau of Investigation, and, when appropriate, the Secretary of State shall assist the prosecuting and law enforcement officials of a State or political subdivision to the fullest extent possible in securing from abroad such evidence or other information as may be needed for the effective investigation and prosecution of the crime.

(c) Definitions.— In this section—

(1) “felony crime of violence” means an offense punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against the person of another.

(2) “State” means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(3) “traveler” means a victim of a crime of violence who is not a resident of the State in which the crime of violence occurred

§ 540B. Investigation of serial killings

[How Current is This?](#)

(a) In General.— The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

(b) Definitions.— In this section:

(1) Killing.— The term “killing” means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

(2) Serial killings.— The term “serial killings” means a series of three or more killings, not less than one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

(3) State.— The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

§ 540C. FBI police

[How Current is This?](#)

(a) Definitions.— In this section:

(1) Director.— The term “Director” means the Director of the Federal Bureau of Investigation.

(2) FBI buildings and grounds.—

(A) In general.— The term “FBI buildings and grounds” means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) Inclusion.— The term “FBI buildings and grounds” includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI police.— The term “FBI police” means the permanent police force established under subsection (b).

(b) Establishment of FBI Police; Duties.—

(1) In general.— Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(2) Duties.— The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(3) Uniformed representative.— The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(4) Authority.—

(A) In general.— In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(i) police the FBI buildings and grounds for the purpose of protecting persons and property;

(ii) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(iii) carry firearms as may be required for the performance of duties;

(iv) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(v) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(B) Exception.— The authority and policing powers of FBI police under this paragraph shall not include the service of civil process.

(5) Pay and benefits.—

(A) In general.— The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(B) Application.— Pay and benefits for the FBI police under subparagraph (A)—

(i) shall be established by regulation;

(ii) shall apply with respect to pay periods beginning after January 1, 2003; and

(iii) shall not result in any decrease in the rates of pay or benefits of any individual.

(c) Authority of Metropolitan Police Force.— This section does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.